

### **REMARKS**

Claims 1-9 are pending. By this response, a new title is provided. The Abstract Specification and Claims 1-5 and 7 have been amended and claim 9 has been added. Reconsideration allowance based on above amendments and following remarks are respectfully requested.

#### Title

The Examiner requests a new title that is more descriptive of the invention. In response, Applicants have amended the title to "EMAIL PROCESSOR AND LOTTERY SERVER." Applicants respectfully submit that the title is now more descriptive of the invention and the objection to the title should be withdrawn.

#### Specification and Abstract

The Examiner objects to specification abstract due to informalities. In response, Applicants have amended sections of the specification and provided a new abstract with minor changes made thereto. Applicants note that the Examiner's stated paragraph and line numbers did not match up with Applicants paragraph and line numbers and thus it was difficult to correlate each of the specific issues with Applicants specification. In any event, Applicants have amended the specification where Applicants have found issues in where Applicants believe it was necessary to clarify understanding of the present invention. Applicants note that in some instances amendments were intentionally not made for example, "send information" to "sent information" was not made as suggested by the Examiner. This change would be extensively pervasive throughout the specification abstract and claims and is not really

necessary as an understanding of the invention can be obtained without such amendment.

In any event, withdrawals of the objections to the Specification, and Abstract are respectfully requested.

### Claims Objections

The Examiner has objected to claims 1- 5 due to informalities. The amendments to the claims address many of the allege informalities. However, some of the allege informalities have not been changed as suggested by the Examiner. The Applicants believe that many of the alleged informalities are in fact just a difference in opinion on the wording and grammar of the claim language and thus some changes were not made. Therefore, withdrawals of the objections are respectfully requested.

### Prior Art Rejections

The Examiner rejects claims 3 under 35 U.S.C §102(b) as being anticipated by Yamaura (US 2002/0016199); Claim 1 under 35 U.S.C.§103(a) is patented by Yamaura and Von Korhorn (US 5,697,844); Claim 2 under 35 USC §103(a) is being patented by Yamaura, Von Korhorn and Noh et al. (US 2001/0051896); Claim 4 under 35 U.S.C. §103(a) is being patented by Yamaura and Noh; Claim 5 under 35 U.S.C. §103(a) is being patented by Yamaura, Von Korhorn and Acres (US 2002/0061778); Claim 6 under 35 U.S.C. §103(a) is being patented by Yamaura and Acres; Claim 7 under 35 U.S.C. §103(a) is being patented under Yamaura, Von Korhorn , Acres and Landress et al. (US 2003/0191816) and Claim 8 under U.S.C. §103(a) is being

patented by Yamaura, Acres and Landress. These rejections are respectful traverse.

Each of Independent claims 1, 3 and 9 prefer to an email processing server in which email sent from a first mobile terminal is processed to the server and sent to a second mobile terminal. The server records the number of emails received by either the first or second mobile terminals and the total amount of data received by the first and second mobile terminal. This data is then used in a lottery drawing to determine a winner of the lottery. The Applicants respectfully submit that Yamaura does not teach this feature of Applicants claims.

Yamaura teaches a method for increasing the number of people using a home page. To accomplish this, Yamaura attaches to an email sent by a user (when the user sends the email from the homepage) a lottery number and a message to visit that particular homepage to see if you have won based on the number attached in the email. The lottery numbers are completely random and not selected or attached to emails based on anything other than an email is being sent. The lottery numbers are not selected based on sending information including the number of received emails of a particular terminal and or the total amount of received data by a terminal.

Thus, Yamaura cannot be relied upon to teach the features of Applicants independent claims 1, 3 and 9 specifically, Yamaura fails to teach a storage for storing send information of the email, which is sent from the receiver or sender, the send information including the number of received emails and the total amount of received data by the first and second mobile terminals, the winning probability decider for deciding a winning probability of the drawings of lots applied to a user of the second mobile terminal according to the send information stored in storage and a lot drawer for executing a lot drawing from

the winning probability decided by the winning probability decider, as recited claim 1.

Yamaura also fails to teach, storing means for storing send information of an email, which is sent by the sender/receiving means, the send information including the number of received emails and total amount of received data by the first and second mobile terminals and the lot drawing means for executing a lot drawing applied to a user of the second mobile terminal when the send information stored in the storing means satisfy a predetermined condition, as recited in claim 3.

Von Korhorn fails to remedy the deficiencies of Yamaura. Also, Noh, Acres and Landress are provided to teach features of the dependent claims and thus do not address the deficiencies of Yamaura.

Therefore, Applicants respectfully submit that claims 1-9 are distinguishable over the cited art. Accordingly, Reconsideration and withdrawal of the rejections are respectfully requested.

### **Conclusion**

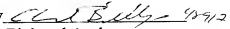
In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: May 22, 2007

Respectfully submitted,

By   
✓ D. Richard Anderson  
Registration No.: 40,439  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant